

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT MISSISSIPPI

CHARLES L. BOGARD

CHAPTER 13

DEBTOR

CASE NO. 13-10959 JDW

ORDER

THIS CAUSE came on for hearing on the Debtor's Objection to the Proof of Claim filed by JPMorgan Chase Bank, N.A., no response having been filed by the deadline set by the Court, and the Court being fully advised in the premises, finds that:

1. JPMorgan Chase Bank, N.A. filed a proof of claim as a secured creditor in the amount of \$92,838.17 original being in the Court file.

2. The Creditor has listed arrearage in the amount of \$6,214.95 through March 1, 2013. The Creditor based this amount of a monthly payment of \$642.18 for August 1, 2012 through March 1, 2013. The Debtor would show that he was under the *Soldier & Sailor Relief Act* during this time period and the amount of his monthly payment was \$543.10 per month. This payment amount included payment for principle and interest and property taxes. The Debtor request that the claim be amended to reflect the correct payment amount owed during this time period.

3. The Creditor has listed a current ongoing monthly payment in the amount of \$642.18 per month. The Debtor is under the *Soldier & Sailor Relief Act* through March, 2014 and his current monthly payment is \$543.10. The Creditor should amend their proof of claim to reflect the correct ongoing monthly payment.

4. The Creditor further requested \$300.00 as reimbursement for their attorney filing their proof of claim. The Debtor would state that his house is worth less than what is owed. Therefore, the Creditor is not allowed to be reimbursed for this fee.

5. The Creditor should be required to amend their proof of claim within thirty days of the date of the order entered in this matter or the claim shall be paid pursuant to the Chapter 13 Plan on file with the Court.

6. Other grounds to be shown at the hearing.

It is therefore, ORDERED that the Creditor has thirty days (30) from the entry of this Order to amend their Proof of Claim or the claim shall be filed pursuant to the Debtor's Chapter 13 Plan on file with the Court.

SO ORDERED this the 15th day of August, 2013.


BANKRUPTCY JUDGE

PRESENTED BY:
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